

REMARKS/ARGUMENTS

Claims 1-19 are pending in the present application. Claim 1, 2, 7, 8, 13, 14, and 19 is amended. Support for the amendment to claim 1, 7, 13, and 19 can be found in the specification on page 7, lines 23-27. Support for the amendment to claim 2, 8, and 14 can be found in the specification on page 19, lines 10-13. Further support for the amendment to claim 13 can be found in the specification on page 20, lines 28-30. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 101

The Examiner rejects claims 13-18 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. Applicants have amended claim 13 accordingly. Therefore, the subject application is now statutory under 35 U.S.C. § 101.

II. 35 U.S.C. § 102, Anticipation

The Examiner rejects claims 1-19 under 35 U.S.C. § 102 as anticipated by *Gilstrap et al.*, Method and System for Storing Field Replaceable Unit Repair History Information, U.S. Patent 7,131,030 B2, (October 31, 2006), (hereinafter "*Gilstrap*"). This rejection is respectfully traversed.

As to claim 1, the Examiner asserts the following:

Referring to claim 1, *Gilstrap* teaches a method of switching from a system control board, which controls resources, to an alternate control board. The alternate control board assumes the role of the main system control board and its responsibilities, this includes replicating system controller data, configuration, and log files (See Col. 4, lines 30-45). This is interpreted as a method for managing event information in a logical partitioned data processing system, the method comprising: responsive to a reallocation of a resource from a first partition to a second partition, determining whether an event for the resource is present in a first event log in the first partition; and responsive to the event being present, placing the event in a second event log in the second partition.

Office Action dated December 14, 2006, page 3.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. In re Bond, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. In re Lowry, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case each and every feature of the

presently claimed invention is not identically shown in the cited reference, arranged as they are in the claims.

Amended claim 1 is as follows:

1. A method for managing event information in a logical partitioned data processing system, the method comprising:
reallocating a resource, in the logical partitioned data processing system, from a first partition to a second partition, wherein the first partition is managed by a first operating system and the second partition is managed by a second operating system, wherein the first operating system is different from the second operating system;
responsive to reallocating the resource, determining whether an event for the resource is present in a first event log in the first partition; and
responsive to the event being present, placing the event from the first event log in the first partition to a second event log in the second partition, thereby providing accurate information for diagnostic analysis of the resource.

The Examiner mistakenly asserts that *Gilstrap* teaches the features of claim 1. The Examiner cites to the following portion of *Gilstrap* as teaching the claimed features:

The main system control board 15(1) is generally responsible for providing system controller resources for the system 10. If failures of the hardware and/or software occur on the main system control board 15(1) or failures on any hardware control path from the main system control board 15(1) to other system devices occur, system controller failover software automatically triggers a failover to the alternative control board 15(2). The alternative system control board 15(2) assumes the role of the main system control board 15(1) and takes over the main system controller responsibilities. To accomplish the transition from the main system control board 15(1) to the alternative system control board 15(2), it may be desirable to replicate the system controller data, configuration, and/or log files on both of the system control boards 15(1 2). During any given moment, generally one of the two system control boards 15(1 2) actively controls the overall operations of the system 10. Accordingly, the term "active system control board," as utilized hereinafter, may refer to either one of the system control boards 15(1 2), depending on the board that is managing the operations of the system 10 at that moment.

Gilstrap, col. 4, lines 30-45.

Gilstrap presents a method for tracking the repair history of field replaceable units. *Gilstrap*, col. 1, line 52 – col. 2, line 10. The above-cited portion of *Gilstrap* is part of the detailed description of a system presented by *Gilstrap*. *Id.* col. 3, lines 53-55. The system is described as having two control boards, one for managing the overall operation of the system and the other for providing redundancy and automatic failover in the event that the other board fails. *Id.* col. 4, lines 21-25. *Gilstrap* states that in the event of a failure of the main system control board, the alternative system control board assumes the role of the main system control board and takes over the main system controller responsibilities. *Id.* col. 4, lines 37-40. To

accomplish the transition from the main system control board to the alternative system control board, replicating the system controller data, configuration, and/or log files on both of the system control boards may be desirable. *Id.* col. 4, lines 40-44.

However, *Gilstrap* does not anticipate amended claim 1 because *Gilstrap* does not teach the features of amended claim 1. For example, *Gilstrap* does not teach a logical partitioned data processing system. A logical partitioned data processing system allows multiple copies of a single operating system or multiple heterogeneous operating systems to be simultaneously run on a single data processing system platform. *Specification*, page 1, lines 25-30. *Gilstrap* does not teach a logical partitioned data processing system and does not teach allowing multiple copies of a single operating system or multiple heterogeneous operating systems to be simultaneously run on a single data processing system platform.

Furthermore, claim 1 has been amended to recite that “the first partition is managed by a first operating system and the second partition is managed by a second operating system, and wherein the first operating system is different from the second operating system.” *Gilstrap* fails to teach the amended feature. In fact, *Gilstrap* specifically teaches that the two control boards 15(1) and 15(2) are managed by the same operating system. (See, Figure 1, Operating System 12). Thus, the two control boards taught in *Gilstrap* are part of the same partition. Therefore, *Gilstrap* does not teach the feature “reallocating a resource, in the logical partitioned data processing system, from a first partition to a second partition, wherein the first partition is managed by a first operating system and the second partition is managed by a second operating system, wherein the first operating system is different from the second operating system.” *Gilstrap* is completely void of any teaching in regards to reallocation of a resource from a first partition to a second partition. The portion of *Gilstrap* cited by the Examiner is about transitioning from the main control board to a backup control board in the event of a failure of the main control board. Transitioning from one control board to another is completely different from reallocation of a resource from a first partition to a second partition. Therefore, the above portion of *Gilstrap* is irrelevant to the features of claim 1.

Additionally, *Gilstrap* does not teach “determining whether an event for the resource is present in a first event log in the first partition.” *Gilstrap* states that to accomplish the transition from the main system control board 15(1) to the alternative system control board 15(2), it may be desirable to replicate the system controller data, configuration, and/or log files on both of the system control boards 15(1 2). However, replicating the log files does not teach a determining step. *Gilstrap* teaches replicating the log files unconditionally. In other words, the log files of *Gilstrap* are replicated without a determination as to the contents of the log files. Thus, *Gilstrap* does not teach this feature of claim 1.

Furthermore, because *Gilstrap* does not teach a determination step, *Gilstrap* also does not teach the feature “responsive to the event being present, placing the event from the first event log in the first partition to a second event log in the second partition” as recited in claim 1.

Because *Gilstrap* does not teach all the features of amended claim 1, *Gilstrap* does not anticipate amended claim 1. Because claims 7, 13, and 19 have been amended to recite similar features as those presented in amended claim 1, the same distinctions between *Gilstrap* and amended claim 1 apply to these claims. Additionally, *Gilstrap* does not anticipate the remaining claims at least by virtue of their dependency.

Moreover, the dependent claims recite other additional combinations of features not taught by the reference. For example, amended claim 2 claims the features of claim 1 further comprising determining if the second operating system is of a different type than the first operating system; and responsive to a determination that the second operating system is of a different type than the first operating system, converting the event into a format suitable for use with the second operating system. *Gilstrap* is devoid of any teachings in regards to the amended features of claim 2.

Additionally claim 6 recites wherein placing of the event in the second error log occurs without changing the partition identifier, wherein a partition in which the event occurred is identified using the partition identifier. Because *Gilstrap* does not teach reallocation of a resource from a first **partition** to a second **partition**, *Gilstrap* inherently cannot teach placing of the event in the second error log occurs without changing the **partition** identifier as recited in claim 6.

Furthermore, *Gilstrap* does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. *Gilstrap* seeks to provide a solution to a completely different problem from the presently claimed invention. *Gilstrap* presents a method for tracking the repair history of field replaceable units by storing the repair record in the field replaceable unit's identification memory. *Gilstrap*, col. 6, lines 26-28. *Gilstrap* makes no teaching or reference in regards to reallocating a resource from a first partition to a second partition, wherein the first partition is managed by a first operating system and the second partition is managed by a second operating system, and wherein the first operating system is different from the second operating system; determining whether an event for the resource is present in a first event log in the first partition; and responsive to the event being present, placing the event in a second event log in the second partition, as claimed. Absent the Examiner pointing out some teaching or incentive to change *Gilstrap* to reach the presently claimed invention, one of ordinary skill in the art would not be led to modify *Gilstrap* to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify *Gilstrap* in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

III. Conclusion

The subject application is patentable over *Gilstrap* and should now be in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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